

**HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
November 20, 2008**

Members Present

Tom McGuirk, Chairman
John Gebhart
Vic Lessard
Bill O'Brien
Bryan Provencal

Others Present

Joan Rice, Secretary

Chairman McGuirk called the meeting to order at 7:00 p.m.

Chairman McGuirk introduced the members of the Board.

The Pledge of Allegiance was said.

PETITION SESSION

47-08 WITHDRAWN

48-08 The petition of the Estate of James P. Bradley for property located at 24 Manchester Street seeking relief from Articles 1.3 and 4.5.1 to replace the existing foundation with one approximately 16" higher, where the house is within the front setback. This property is located at Map 290, Lot 43 in a RB zone.

Attorney Peter Saari, Casassa & Ryan, came forward. He said he was representing the Estate of James P. Bradley. Attorney Saari said they need relief for raising the building. The building will stay within the same footprint. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked if the applicant had appeared before the Conservation Commission. Attorney Saari said they had and it was approved, but he did not have the approval letter with him.

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Comments from the Audience

There were no comments from the Audience

Back to the Board

Moved by Mr. O'Brien and seconded by Mr. Provencal, to grant Petition 48-08 subject to all the conditions set forth in the Conservation Commission letter of October 2008 and approvals from all necessary State and Town Boards.

Chairman McGuirk asked the Board if they felt the five criteria had been met. The members replied that they did.

VOTE: 5-0-0. Motion passed unanimously.

49-08 The petition of John Kane for property located at 115 Ocean Boulevard seeking relief from Articles 1.3 and 8.2.3 to replace an existing bump out and stairs with a longer bump out and stairs. This property is located at Map 290, Lot 31 in a BS zone.

Attorney Peter Saari and John Kane came forward. Attorney Saari said these are just minor changes to make the property more livable. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Lessard said he felt this was the only way to make an acceptable change.

Mr. O'Brien asked what the distance was from the front house to the rear house on the lot. He said the requirement is seven feet. Mr. Saari said the distance was nine feet.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien and seconded by Mr. Lessard, to grant Petition 49-08.

Chairman McGuirk asked the Board if they felt the five criteria had been met. The members agreed that they did.

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VOTE: 5-0-0. Motion passed unanimously.

50-08 The petition of Joseph & Marcia Siracusa, Trustees of the Siracusa Nominee Trust for property located at 8-10 Haverhill Avenue seeking relief from Articles 1.3, 1.6 Definition of "Parking Space", 4.1.1, 4.5.1, 4.5.2, 4.5.3, 6.1, 6.3.1, 8.2.3, 8.2.4, 8.2.5 and 8.2.6 to renovate and make additions to existing five (5) apartment units and to add three (3) on-site parking spaces where only two (2) now exist. This property is located at Map 293, Lot 144 in a RB zone.

Attorney Stephen Ells, Holmes & Ells, and Joseph Siracusa came forward. Attorney Ells said they were not asking to increase the number of units; currently there are 5 units. At present there are two slightly substandard parking spaces on site and leases for off-site parking. This proposal will place five spaces within the confines of the property.

The two-unit building will be replaced and it will meet the Town deed restriction. There will also be a new porch added on the ocean side of the other structure. All variances are area variances, not use variances. The entire structure is within the 250 Shore Land Protection zone. There is an allowance to request a waiver from that act. The proposal includes a 14% reduction of impervious area. Attorney Ells went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien said there were two land survey drawings, one dated 22 October 2008 and a revision dated 24 October 2008. Attorney Ells replied that one is the site plan and the other is the one submitted to the State for the Shore Land Protection waiver. Mr. O'Brien then indicated that there was a major difference between the drawings ... the revision, dated 24 October 2008, does not show the bump out containing the decks for the new two-unit building. Mr. Ernie Cody, who prepared the site plan, said the bump out should have been shown and the site plan dated 24 October 2008 is in error.

Mr. Lessard asked how many bedrooms there presently are. Mr. Siracusa said there were 12 bedrooms. Mr. Lessard asked how many there would be in the new building. Mr. Paul Demars, architect, said there would be 11.

Comments from the Audience

There were no comments from the audience.

Back to the Board

Chairman McGuirk said he considered this proposal an over intensification of the property. Attorney Ells replied that they are shifting the West building towards the water, not increasing the number of units. Chairman McGuirk said he saw no hardship with the requested setbacks.

Chairman McGuirk also said he felt there was inadequate justification for the West and South setback variances and, if granted, the value of the existing, surrounding properties would diminish. Mr. Siracusa said he had spoken to his neighbors and they had all been very encouraging.

Mr. Provencal said that the building that is being torn down and re-built will have a half-story added to the height. Mr. Lessard asked about existing and proposed square footage for the new building. The existing is about 1200 sq. ft. and the proposed is 1692 sq. ft.

Chairman McGuirk said he still felt there was no hardship for a number of the variances being sought.

Attorney Ells then asked for a postponement on the hearing of this petition.

Moved by Mr. O'Brien and seconded by Mr. Lessard, to postpone the hearing on Petition 50-08 until the next meeting on December 18, 2008 at which time it will be first on the Agenda.

VOTE: 5-0-0. Motion passed unanimously.

51-08 The petition of Jacques Wasfelner thru Verne Philbrook for property located at 496 High Street seeking relief from Articles 1.3, 4.5.2 and 8.2.3 to add a roof over existing stairs. This property is located at Map 150, Lot 53 in a RB zone.

There was no representative present for this petition. Mr. O'Brien noted that the applicant is looking for side setback relief, 4.5.2; however the plot plan indicates that there will be no encroachment into the side setback requirement of 10 feet.

At the close of the petition session, the applicant still had not appeared.

Moved by Mr. Lessard, during the business session, and seconded by Mr. Provencal, to postpone the hearing on Petition 51-08 until the next meeting on December 18, 2008, at which time it will be third on the Agenda.

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VOTE: 5-0-0. Motion passed unanimously.

52-08 The petition of Puritan of Hampton, LLC for property located at 109-111 Ocean Boulevard seeking relief from Articles 1.3 and 4.5.2 to construct an addition on front of existing hotel to facilitate conversion of first floor from a hotel use to retail. The addition will be conforming except for the side setback on the south Hampton Zoning side. The site will be more conforming as the parking requirement will lessen, the existing shed in the rear will be demolished increasing open space and there will be at least better compliance with the provisions of Footnote 17 to Article 4.5 as part of the renovations. This property is located at Map 290, Lot 56 in a BS zone.

Attorney Craig Soloman and Fred Blanger, contractor, came forward.

Attorney Soloman referred to a letter left at Town Hall yesterday stating that the client does not plan to tear down the shed in back. Attorney Soloman said that this property is currently used as the Puritan Hotel. What is now the first floor will be changed to retail space. Attorney Soloman and Mr. Blanger went through the five criteria and said they felt they had been met.

Questions from the Board

Mr. O'Brien asked how far the Southeast corner of the building is from the property line. Mr. Blanger said it is .41 inches as measured from the drip edge. Mr. O'Brien then asked a couple of questions regarding setbacks and layout for the proposed building extension to the East. After the discussion, Mr. Blanger said the submitted plan is incorrect.

Mr. O'Brien said there are two apartments in the basement and the only way in and out of the South apartment is through the South side and thus requires the use of a walkway which is on another property. Mr. Provencal said the floor plan for the basement has to change.

Mr. O'Brien said the Board should have been provided separate before and after drawings as is required for all packages submitted to the Board. The submittal by the applicant of both versions on a single drawing is confusing, e.g., the encroachment of the front wall into the Town right-of-way is still shown although Attorney Soloman said it would be removed.

Comments from the Audience

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Attorney Peter Saari said he was representing the Beacon Hotel to the South. The Beacon owners feel this is going to be very close to their property and their view will

be somewhat restricted. Attorney Saari said a lot of what the petitioners are doing is good, but they should meet the four foot setback.

Attorney Soloman said there is a cross easement between these properties and in this case, given the existing building, the size of the lot, etc., the request is reasonable.

Back to the Board

Mr. Lessard said many people are trying to beautify the beach and he didn't feel this met the criteria. Mr. Lessard said he could see no hardship.

Chairman McGuirk said he would like to see the easement documented.

Attorney Soloman then asked for a postponement on the hearing of this petition.

Moved by Mr. O'Brien and seconded by Mr. Provencal, to postpone the hearing on Petition 52-08 until the next meeting on December 18, 2008, at which time it will be second on the Agenda. All paperwork (drawings, easements, etc.) is to be submitted to the Building Department by COB on December 11, 2008.

VOTE: 5-0-0. Motion passed unanimously.

BUSINESS SESSION

Adoption of Minutes – October 16, 2008

Moved by Mr. O'Brien and seconded by Mr. Provencal, to approve the Minutes of October 16, 2008.

VOTE: 4-0-1. (Chairman McGuirk). Motion passed.

Other Business

Mr. O'Brien recommended to the Board that Chairman McGuirk talk to the Chairman of the Planning Board about two changes to the zoning ordinance.

The first change recommended is to delete the term "sleeping" from paragraph 6.3.2 (it appears four times) and adjust the square footage to total room size (to be determined by the Planning Board) that sets the requirement for each parking space.

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This change would ensure adequate hotel/motel parking and remove the subjective aspect of sleeping areas not in a designated room.

The second change recommended is to add “; except for the BS zone.” at the end of the opening line to paragraph 8.2. This change would delete the multi-family unit requirements in the BS zone, thus facilitating the multi-family unit approval process in a zone that has a setback requirement of only 4 feet.

Moved by Mr. O’Brien and seconded by Mr. Provencal, to recommend these two zoning ordinance changes to the Planning Board.

VOTE: 5-0-0. Motion passed unanimously.

There being no further business, Mr. O’Brien **moved** and seconded by Mr. Provencal, that the meeting be adjourned.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Joan Rice
Secretary